



FH  
[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
Jefferson County Jail

DECISION

BCS/170072

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**PRELIMINARY RECITALS**

Pursuant to a petition filed November 09, 2015, under Wis. Stat. § 49.45(5)(a), to review a decision by the Jefferson County Department of Human Services in regard to Medical Assistance, a hearing was held on December 08, 2015, at Jefferson, Wisconsin.

The issue for determination is whether termination of BadgerCare benefits to petitioner was correct based on his incarceration.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
Jefferson County Jail  
[REDACTED]  
[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, Wisconsin 53703

By: [REDACTED]  
Jefferson County Department of Human Services  
Workforce Development Center  
874 Collins Rd.  
Jefferson, WI 53549

**ADMINISTRATIVE LAW JUDGE:**

John P. Tedesco  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Jefferson County.
2. Petitioner is incarcerated in Jefferson County jail.

3. The agency issued notice on 10/19/15 informing petitioner that he was no longer eligible for BCP and her would be terminated effective November 1, 2015.

### DISCUSSION

BCP is a Wisconsin variant of MA for low-income households with children or pregnant women. A person who is incarcerated or placed in a public institution is not eligible to receive BCP or MA. *BCP Eligibility Handbook*, §3.6, at <http://www.emhandbooks.wisconsin.gov/bcplus/bcplus.htm> ; 42 C.F.R. §§ 435.1009 - 1010. A jail is considered such a “public institution” as long as it provides food, shelter and “some treatment or services.” MA rules do not require the institution to pay for *all* medical services and prescriptions, even though paying for prescriptions might be a good idea. There is no dispute as to the duration or fact of the petitioner’s incarceration. Thus, the closure was correct.

The petitioner may reapply for BCP benefits as soon as he is released from jail.

### CONCLUSIONS OF LAW

1. The Department correctly discontinued BCP benefits to the petitioner.

**THEREFORE, it is**

**ORDERED**

That the petition is dismissed.

### **REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

### **APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,  
Wisconsin, this 7th day of January, 2016

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\sJohn P. Tedesco  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on January 7, 2016.

Jefferson County Department of Human Services  
Division of Health Care Access and Accountability